

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEPHEN BARON, FREDDIE HENRY,)
GARY MADDOX, DEBBIE WILBURN)
FOR DECEDEDENT RICHARD WILBURN,)
)
Plaintiffs,)
)
vs.) Case No. 4:06CV01183 AGF
)
MERCK & CO., INC., PFIZER INC)
MONSANTO COMPANY, PHARMACIA)
CORPORATION, and G.D. SEARLE LLC,)
)
Defendants.)

MEMORANDUM AND ORDER

This motion is before the Court on Defendant Merck & Co.'s motion to stay proceedings [Doc. #3] pending possible transfer of the case by the Judicial Panel on Multidistrict Litigation (JPML), filed on August 8, 2006. Plaintiffs have not filed any response and the time to do so has passed.

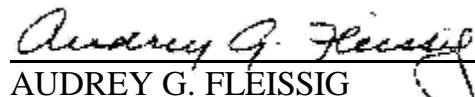
The case involves the prescription drug VIOXX, manufactured by Defendant Merck & Co. On February 16, 2005, the JPML in In re VIOXX Products Liability Litigation, Doc. No. 1657, transferred over 100 VIOXX cases to the United States District Court for the Eastern District of Louisiana for pretrial proceedings. The Panel noted that nearly 300 potentially related cases were pending in multiple district courts and would be treated as potential tag-along cases. The Panel also noted that the pendency of a motion to remand was not a sufficient basis to avoid transfer, and that the transferee court could decide remand motions.

Since then, several courts in this district have granted motions to stay similar to the motion filed in this case. See, e.g., Salmieri v. Merck & Co., Inc., No. 4:05CR1744 HEA (E.D. Mo. Oct. 26, 2005) (order granting stay; order of MDL transfer thereafter entered); O'Gorman v. Merck & Co., No. 4:05CV153 DDN (E.D. Mo. Oct. 13, 2005) (same); McBride v. Merck & Co., No. 4:05CV878 ERW (E.D. Mo. Oct. 13, 2005) (order granting stay; conditional MDL transfer order thereafter entered).

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to stay proceedings pending possible transfer by the Judicial Panel on Multidistrict Litigation [Doc. #3] is **GRANTED**.

Dated this 30th day of August, 2006.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE